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'You can't have one without the other': the differential impact of civil society strength on the implementation of EU policy

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ABSTRACT

The importance of civil society in policy-making is twofold; civil society organizations (CSOs) monitor government performance and mediate between citizens and the state to ensure proper implementation. In this study, we analyse the effects of two aspects of civil society (civic participation and CSO consultation) on member states' implementation of European Union (EU) policy. The analysis is based on a novel dataset of practical implementation in 24 member states. Our findings reveal that the combination of high levels of civic participation and routine CSO consultations improves policy implementation. Furthermore, the effect is conditional on states' bureaucratic capacity to accommodate societal interests regarding the EU directives. The results indicate a paradox; civil society is not effective in countries with low bureaucratic capacity, where civil society is needed most to improve government performance.

KEYWORDS Civic participation; civil society; EU policy; interest intermediation; policy implementation

Introduction

Civil society organizations (CSOs) are often credited for increasing public accountability and improving governance outputs. A vibrant civil society can increase transparency of policy-making and hold governments accountable to implement policies accordingly. Furthermore, CSOs cooperate with policy-makers by communicating societal interest and creating a broad policy support base. However, the strength of civil society varies widely across countries. Many studies have reported low levels of societal engagement in the post-communist countries of Central and Eastern Europe (CEE) (Howard 2003). Conversely, other scholars have argued that low levels of

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civic participation are compensated by activism aimed at connecting with political actors (Foa and Ekiert 2017; Petrova and Tarrow 2006).

Nevertheless, we lack understanding of the relationship between different aspects of civil society strength and policy implementation by administrative actors across countries and policy areas. Policy implementation is especially relevant for CSOs' success in translating societal interests into outcomes, as policies become effective when they are enforced by the relevant public institutions.

In this study, we analyse the impact of civil society strength on policy implementation by focusing on citizens' participation in voluntary organizations (based on the 'logic of membership') and CSOs' opportunities to influence policy-making through consultations (based on the 'logic of influence') (Schmitter and Streeck 1999). Furthermore, we expect that the effect of civil society is conditional on the bureaucratic capacities of public institutions and societal support for public policy. Thus, we contribute to the literature on civil society by theoretically and empirically distinguishing between two different aspects of civil society strength and the conditions under which they affect policy outcomes.

Moreover, the empirical analysis focuses on the implementation of European Union (EU) policies by national administrative actors. Because each member state must implement policies in accordance with common EU requirements, we can compare the impact of civil society strength on implementation performance across countries and policy areas.

To test our hypotheses, we rely on a novel dataset on legislative and practical implementation across 24 countries and four policy areas (Internal Market, Environment, Justice and Home Affairs (JHA) and Social Policy). Our findings show that civic participation and CSO consultation are like 'horse and carriage': for a positive impact on policy implementation, one cannot go without the other. Hence, the implementation of EU policies does benefit from a vibrant civil society, but only if CSOs are included in the policy-making process. However, the results also indicate a paradox; the two aspects of civil society strength do not affect implementation in countries with low bureaucratic capacities, where civil society is most needed to improve government performance. Finally, public support for EU policy-making moderates the relationship between civic participation and the implementation of EU social policy.

Civil society strength

Since its revival in the last couple of decades, civil society has featured in many different strands of literature focusing on democracy, norm diffusion and policy-making. These studies ascribe different roles to civil society that have consequences for conceptualizing its strength. According to social capital

scholars, civil society is an intermediary structure that provides opportunities for citizens to mobilize in collective action (Wollebæk and Selle 2007). Based on this perspective, civil society strength is conceptualized as CSOs' ability to mobilize members to engage in civic action. In a similar vein, Schmitter and Streeck (1999) contend that CSOs function based on 'the logic of membership', when they rely on a large member base to legitimize civic causes and make their voice heard.

Civil society strength can also be conceptualized based on the 'logic of influence' (Schmitter and Streeck 1999), whereby CSOs cooperate with state actors to influence policies. CSOs aggregate the interests of citizens and act as mediators in state–society relations by communicating societal preferences to policy-makers (Treib *et al.* 2007). For example, Hadenius and Ugglå (1996) underline that CSOs need to cooperate with governments in order to effectively further democratic reforms in countries undergoing transition to democracy. The influence of civil society on policy reforms then depends on the opportunity structures provided by the state (Della Porta 2009; Kriesi *et al.* 1992). For example, states can empower CSOs by providing them public recognition and access to policy-making through consultation mechanisms. Alternatively, states may deny CSOs opportunities to voice societal interests during the policy-making process, making the implementation phase vulnerable to disruptive protests.

Moreover, civil society strength depends on the resources available to CSOs (money and expertise) to take advantage of political opportunities. Studies on interest groups (including CSOs) have shown that organizational resources facilitate CSO access to political institutions (Mahoney and Baumgartner 2008). Finally, there is a large literature on transnational civil society focusing on the links between domestic CSOs and their international counterparts. In this view, transnational networks empower national CSOs by providing expertise and resources (Andonova and Tuta 2014; Schofer and Longhofer 2011).

In this study, we define CSOs as all domestic organizations in the sphere between economy and state, composed of self-organizing citizens in pursuit of a common civic goal (Coppedge *et al.* 2017).¹ Furthermore, we focus on the role of domestic organized civil society in the implementation of EU directives. Because EU directives set policy requirements that have to be followed by all member states, they enable us to compare implementation performance across countries and issue areas.

Civil society and EU policy implementation

Studies of EU politics have acknowledged the role of civil society in EU governance (see Heidbreder 2012 for an overview of the literature) and policy implementation in particular (e.g. Börzel 2010; Börzel and Buzogány 2010).

Theoretically, there are two major approaches that explain why governments fail to implement EU policies: enforcement and management (Tallberg 2002). Whereas enforcement approaches focus on the preferences of implementing and non-state actors, management scholars emphasize that implementation problems often emerge from capacity limitations. The role of civil society in implementation is rooted in both enforcement and management explanations. According to enforcement ideas, civil society involvement in policy-making increases societal acceptance of policy outputs, even if societal interests have not been fully accommodated (Börzel 2010). In addition, civil society monitors the implementation process and raises complaints against breaches of EU law. Based on the management logic, however, some studies argue that government cooperation with CSOs could also inhibit the capacity of governments to resolve implementation problems by increasing the number of veto players capable of disrupting implementation (Jensen 2007).

Empirically, most studies on the relation between civil society and implementation have focused on post-communist countries (Sedelmeier 2008). This research shows that differences between the strength of civil society in Western and Eastern Europe persist after enlargement (Sissenich 2010). The EU had an unequal impact on civil society by empowering non-state actors with already existing capacities and willingness to cooperate with the state (Börzel 2010; Börzel and Buzogány 2010). Other studies, however, paint a more nuanced picture of CSOs' role in policy implementation. Despite trends of weak civic participation, CSOs in the region have developed both enduring and temporary ties with government and bureaucratic institutions (Foa and Ekiert 2017; Petrova and Tarrow 2006). Even in societies with both weak state capacities and civic participation, CSOs are able to exert influence on government activities through naming and shaming (Dimitrova and Buzogány 2014).

The strength of civil society also varies within Western EU member states. For example, Saurugger (2007) reports that the French government is generally unwilling to discuss matters or negotiate with civil society groups. Other countries, such as Denmark and the Netherlands are believed to encourage communications with citizens and organized civil society.

Because most studies focus on a small sample of countries in a single policy area, we lack systematic research on the impact of civil society strength on implementation in the EU member states across different issue areas. Therefore, we analyse two aspects of civil society strength: citizens' participation in voluntary organizations and government consultations with CSOs during policy-making. First, while these aspects do not account for variation in the expertise and material resources in different CSOs within member states and policy areas, they enable us to study the relevance of civil society on policy implementation more generally in a cross-national framework. Second, these dimensions are also theoretically inspired by two different

logics of civil society strength: the logic of membership and the logic of influence (Schmitter and Streeck 1999).

Theorizing the role of civil society in policy implementation

Logics of membership and influence

The defining characteristics of civil society strength are captured by 'the logic of membership' and 'the logic of influence' (Schmitter and Streeck 1999). As discussed earlier, based on the logic of membership, civil society strength depends on its ability to mobilize a large support base for civic causes. Larger membership helps CSOs legitimize the relevance of their causes and extract resources for public campaigns. Instead, according to the logic of influence, civil society strength depends on access to political institutions and ability to shape policy outcomes through cooperation with government.

Both logics play a role in the implementation of public policy. Based on the membership logic, CSOs enjoying large and active membership are better able to understand societal grievances and communicate these to the relevant political institutions. When provided access to the policy process, CSOs can rely on the support of volunteers, mobilize collective action, and extract resources from their members to facilitate implementation (Stark *et al.* 2006). Based on the logic of influence, policy implementation depends on the coordination mechanisms between CSOs and political institutions. Establishing routine consultations with non-state actors allows for stable intermediation between CSOs and the state. To influence public policy, CSOs share expertise with governments about societal interests and the most effective implementation strategies. CSO involvement in the policy process, thus, helps policy-makers understand the impact of their decisions on the citizens they target and take decisions that reflect the EU policy requirements (Rose-Ackerman 2005). For example, Putnam *et al.* (1994) demonstrated that reforms are most effectively carried when they are a joint effort by CSOs and the state. In short, we expect that both civic participation and CSO involvement in consultation positively affect policy implementation.

H1a: Higher levels of civic participation (logic of membership) positively affect policy implementation.

H1b: Government routine consultations with CSOs (logic of influence) positively affect policy implementation.

Existing research on interest groups and CSOs also acknowledges that there is a relationship between the logics. In particular, consultation practices have pushed CSOs to become more professional and as a result lose their representativeness (Saurugger 2006). In other words, it is assumed that groups put the majority of their time and resources into 'logic of influence' activities at the cost of 'logic of membership' (*cf.* Schmitter and Streeck 1999).

On the other hand, the literature also suggests organizations try to balance both logics in order to gain access to policy-makers, while at the same time being member-responsive (Schmitter and Streeck 1999). Thus, consultation processes are more likely to be successful when CSOs are able to mobilize public support. CSOs can use their member base to gain awareness of societal grievances and provide more complete and informed advice to governments regarding the impact of public policies on the citizens they target. At the same time, the impact of civic participation (logic of membership) on policy implementation also depends on whether CSOs are involved in the policy-making process (logic of influence). The exclusion of CSOs from the policy process could lead to policies that lack support, because citizens are not able to communicate their interests to the state (Börzel 2010; Hadenius and Ugglä 1996). Under these circumstances, civic participation could cause societal discontent against public policies (Rose-Ackerman 2005; Verba *et al.* 1995). Consequently, even if some organizations may trade less civic participation for more influence, studies employing the logics contend that organizations need to combine both logics to be successful in influencing public policy (Kohler-Koch and Buth 2009; Schmitter and Streeck 1999). Thus, we expect that higher levels of civic participation combined with routine consultations with CSO is positively associated with practical implementation.

H1c: The combination of higher levels of civic participation (logic of membership) and routine consultation with CSOs (logic of influence) positively affects policy implementation.

Scope conditions: state capacity and societal preferences

The impact of civil society strength is likely to depend on state bureaucratic capacities and the preferences of citizens in relation to the adopted policies.

Although CSOs can help improve implementation by communicating potential problems and societal interests, the implementation of EU policies is the responsibility of administrative actors in the member states. Therefore, when administrative capacity is low, civil society strength is expected to have limited impact on policy implementation (Börzel 2010; Sissenich 2010). Rather, both state and society benefit from each other's strength (Hadenius and Ugglä 1996). While the state is dependent on the linkages between society and policy-makers to increase implementation performance, CSOs gain influence through their engagement with the state (Sissenich 2010).

As argued by Tilly (2004), institutionalized state–society relations, such as consultation practices, are instrumental for advanced democracies, but they also increase societal pressure on governments to be responsive through effective bureaucracy. According to the seminal study by Almond and Verba (1963), a political system should have the capacity to cope with intense societal demands through civic participation. More effective

bureaucratic institutions are better able to incorporate societal demands and the external requirements of the EU and thereby reinforce the positive effect civil society strength on policy implementation. If governments do not have the capacity to incorporate the interests in the consultation process and meet the EU requirements, this may even raise public discontent (Verba *et al.* 1995) and lead to non-compliance with EU policy. Accordingly, we expect that the effect of civil society on policy outcomes varies across countries with different levels of administrative capacity.

H2: The impact of civil society strength (CSO consultation and civic participation) on policy implementation is stronger in high-capacity countries.

Although most literature focused on the facilitating role of CSOs in improving EU policy implementation (Dai 2005), some studies have acknowledged the potential for negative effects as well. In his study on member states' ability to implement EU labour market policy, Jensen (2007) argues that societal actors opposed to EU policy can act as veto players and obstruct the implementation process. Conceptualized as societal veto players, CSOs are different from the institutional or party-political veto players, as they do not gain veto rights from their formal position (Bauer *et al.* 2004). Instead, their role as veto players is determined by the ability to mobilize constituents to block the implementation of unfavourable policies. In particular, CSOs can mobilize against implementation when policies enjoy limited or no support by citizens. The less societal support policies enjoy, the stronger the incentives of CSOs to hamper implementation. Thus, if societal preferences are not in line with a particular EU policy, CSOs representing public interest are likely to mobilize against its implementation in the domestic context, deteriorating member states' compliance with EU law.

H3: The impact of civil society strength on EU policy implementation is weaker (and even negative) when societal support for EU policy is low.

Research design

Data and measurement of practical implementation

To test our hypotheses on practical implementation, we rely on a novel dataset on policy implementation across different member states and EU policy areas that was collected by Zhelyazkova *et al.* (2016). The dataset is based on external evaluation reports about national implementation of EU policies that were prepared by various consultancies contracted by the EU Commission. The criteria for data collection have been described by Zhelyazkova *et al.* (2016) and are not discussed here due to space limitations. However, the main advantage of the dataset is that it provides separate measures for legal implementation related to the content of national rules

and for practical implementation capturing administrative activities across 24 EU member states.² This is important for the purposes of the study, because the theoretical arguments relate to practical implementation of EU policies rather than the legal framework adopted by governments. Furthermore, the dataset covers EU directives from four policy areas: Internal Market, JHA, Environment and Social Policy.³ Despite the limited number of policy sectors, the selection captures distinct civil societal groupings within the member states (e.g. industry, environment, humanitarian international organizations, minority and women rights groups) which enables deriving more general conclusions about the effects of civic participation and CSO consultation on policy implementation.

The final dataset contains information about both legal and practical implementation for 24 directives (three Internal Market, three Environment, four Social Policy, and 14 JHA directives). Previous studies did not find evidence that the considerably higher number of JHA directives is problematic. Nevertheless, we control for policy-area differences to account for the unbalanced number of directives within sectors.

The evaluation reports provide information about member states' implementation performance regarding separate provisions in a directive. Relevant provisions refer to articles or sub-articles that address separate EU requirements within directives that require national implementation. For example, some provisions require the establishment of particular institutional arrangements to ensure effective enforcement equality bodies in member states, while others demand effective information dissemination on visa resident procedures. Practical implementation with EU directives is measured as the share of correctly implemented provisions by each member state relative to all relevant provisions in a directive (as assessed by the country experts). The dependent variable ranges between 0 (none of the EU requirements in a directive were implemented by the relevant domestic actors) to 1 (all of the EU requirements were implemented).

Measuring civil society strength, state capacity and societal support for EU policies

Civil society is a multi-dimensional concept that requires considering multiple indicators from different data sources to measure its strength (Heinrich 2005). At the same time, the need for comparative research entails constraining the analytical focus to civil society characteristics that could be analysed in a cross-country and cross-issue framework. Following our theoretical arguments, we focus on two aspects of CSO strength: levels of civic participation and the extent to which CSOs are engaged in the policy-making process (CSO consultation). Although various comparative projects consider both the capacity of citizens to engage in civil society and the infrastructure that

facilitates CSOs, most datasets either lack variation across years (e.g. Civicus Civil Society Enabling Environment Index), do not cover all EU member states (e.g. CNP Global Society Index) or do not allow for a comparison across indicators (e.g. USAID Civil Society Organizational Index). Instead, we rely on two separate data sources that provide variation across time, cover all EU member states and differentiate between policy areas (for civic participation).

Civic participation is measured by the percentage of respondents in Eurobarometer surveys that indicated they actively participate or volunteer as a member in specific voluntary organizations. The survey question was asked in 2004, 2006 and 2011⁴ and the respondents could select the type of organization from a number of alternatives. We only considered participation in organizations that are relevant for the policy areas in our dataset. EU policies in the area of Environment set minimum standards for the protection of the environment through targets for emission ceilings and recycling of packaging and vehicles. Internal Market directives set EU requirements for consumer protection by improving the quality of services and transparency procedures for companies. The implementation of JHA policies aims to protect the human rights of asylum seekers and third-country nationals. Finally, EU requirements regarding Social Policy set minimum standards on the equal treatment of women and men and the prohibition of discrimination on the basis of ethnicity, religion, sexual orientation, age and disability. The list of relevant organizations includes: 'an organization for protection of the environment' (Environment), consumer organizations (Internal Market), an international organization: human rights (JHA). In the case of Social Policy, we measure participatory activity in organizations for the defence of the rights of minorities and interest groups for specific causes (such as sexual orientation or women's issues).

Second, to obtain information about *CSO consultation* we rely on data from the V-Dem project (Coppedge *et al.* 2017). The project defines broadly civil society as the 'organizational layer of the polity that lies between the state and private life' and is 'composed of voluntary associations of people joined together in common purpose' (Coppedge *et al.* 2017: 400). It excludes public and private economic firms. Country experts identified whether major CSOs were routinely consulted by policy-makers on issues relevant to their members. Based on expert assessments, governments were considered insulated from CSO input (coded as 0), CSOs were considered as but one set of voices policy-makers take into account (coded as 1) or relevant CSOs were recognized as stakeholders and given a voice on important policy areas (coded as 2).

State capacity is measured based on data from the Worldwide Governance Indicators Database (2016). We employ the 'Government Effectiveness' indicator, which ranges between -2.5 and 2.5 and is the most widely used

aggregate measure for bureaucratic state capacity. The indicator combines societal perception and expert assessments about the quality of public and civil services measured on yearly basis.

We measure citizens' preferences towards EU policy based on information from the Eurobarometer survey. Societal preferences towards specific supranational policies is captured by the percentage of Eurobarometer respondents (averaged for all years) who believe that a given policy area should be decided at the EU level.⁵ Thus, we measure general societal support for EU policies rather than the policy-specific preferences of CSOs involved in the implementation process. Nevertheless, this variable captures the extent to which citizens participating in voluntary organizations (civic participation) are likely to support or reject specific EU policies.

Control variables

In addition to the main independent variables, we control for several country and policy characteristics that could affect our findings. For example, civil society is generally considered to be weaker in the new EU member states from CEE than the EU-15 member states from Western Europe (Sedelmeier 2008) (Western state = 1). Furthermore, the willingness of governments to accommodate CSOs' input during the implementation process could depend on the policy-makers' preferences towards supranational policies. The expert reports also provide unique information about the relevant ministers involved in the implementation process for a given directive. Information about political actors' positions regarding different policy sectors was obtained from the Chapel Hill surveys (Bakker *et al.* 2015). Moreover, state capacity to implement the EU policies also depends on the number of institutional veto players responsible for policy implementation (measured as the number of ministries involved in the implementation process).

The quality of national legislation with regard to supranational policy is also likely to be a strong predictor for practical implementation. In particular, some countries may have high standards enshrined in their national legislation. Consequently, CSOs can contribute little to improve the implementation process, as national bureaucrats could simply follow established national rules. The measure for legal compliance follows the same logic as the operationalization of the dependent variable and captures the share of legally compliant EU provisions relative to all evaluated provisions within a directive.

At the policy level, we acknowledge that the effects of civic participation and consultation on practical implementation vary across policy areas. We also control for the degree of leeway (discretion) that EU directives grant member states during implementation (measured as the share of 'may' provisions relative to all directive provisions).

Finally, differences in the evaluation reports may bias the validity of the estimates. Thus, we control for the *structure* (reports structured based on specific rules or specific countries), *length* (number of pages allotted to a particular country) and *timing* of the reports (number of days between the implementation deadline and the publication of the first report).

Results

Descriptive analysis

Before testing the effects of civic participation and consultation on the practical implementation of EU policies, we analyse the distribution of the two components of civil society strength across countries and policy areas.

First, civic participation based on the Eurobarometer surveys (2004–2011) is most pronounced in associations related to the protection of women and minority rights (Social Policy; median level = 2.1) and it is lowest in international and human rights organizations (JHA; median = 0.8) (Figure 1, left).⁶ One possible explanation is that human rights organizations depend more on donors and supporters signing petitions to further their causes, rather than voluntary membership by citizens. Second, there is a clear divide between Western and CEE member states in levels of civic participation (Figure 1, right). All CEE member states have lower rates of civic participation than Western member states. This is in line with earlier studies that report a

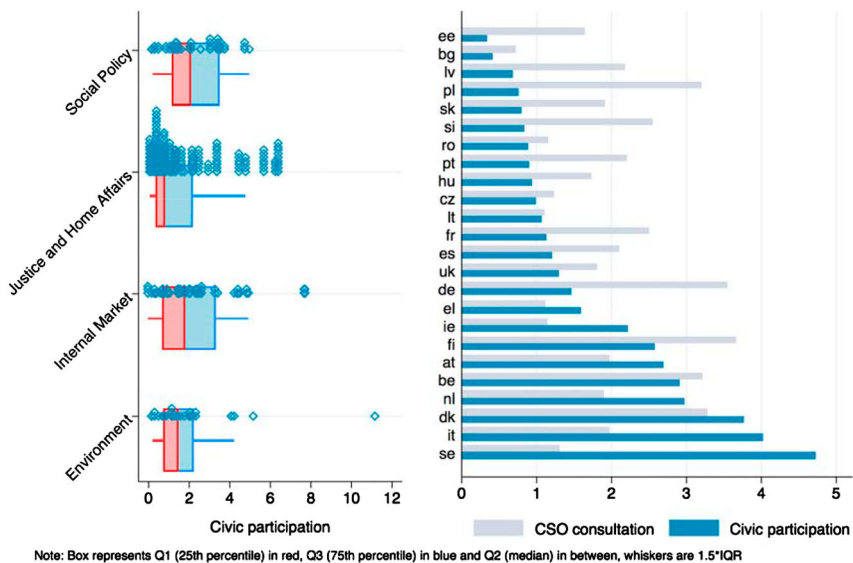


Figure 1. Distribution of civic participation across policy areas (left) and mean of civic participation compared to mean of CSO consultation across member states (right).

lack of societal engagement in voluntary organizations as an indicator for a weak civil society in this region (Howard 2003; Sissenich 2010). With the exception of Lithuania, less than 1 per cent of the respondents from the CEE member states reported participation activities in the selected CSO categories. On average, civic participation is highest in Sweden (4.7 per cent), followed by Italy (4.0 per cent) and Denmark (3.8 per cent).

Member-state patterns of CSO consultation paint a more mixed picture. In line with findings by Petrova and Tarrow (2006) and Foa and Ekiert (2017), civil society in CEE member states is not systematically weaker than in their Western counterparts, once other dimensions of civil society strength are considered. Moreover, the two civil society dimensions are not correlated. Whereas CSOs in Sweden can rely on a relatively high number of volunteers, their engagement in the policy-making process through consultation is limited. In contrast, the Polish government routinely engages in consultations with CSOs, but very few citizens participate in the selected voluntary organizations.

Explanatory analysis

Table 1 presents the results on the effects of civic participation and CSO consultation on the implementation performance of member states regarding 24 EU directives from four different policy areas. Because practical implementation is bounded between 0 and 1, we employ fractional logit analysis⁷ to test our hypotheses. Table 1 reports the effects of civic participation and consultation separately (Model 1) as well as the interaction between the two aspects of civil society strength (Model 2). Models 3 and 4 present the results from the analysis of the impact of civil society strength on practical implementation in low- (Model 3) and high-capacity countries (Model 4). We also test the moderating effect of societal preferences on the relation between civil society strength and practical implementation by including the interaction between societal preferences and civic participation in Model 5. Arguably, societal preferences influence citizens' incentives to mobilize against policy implementation. Therefore, we assume that civic participation, as an aspect of civil society strength, is more conducive to changes in societal preferences than CSO involvement in policy-making.

The results in Table 1 provide notable insights about the relationship between civic participation, state–society cooperation and member states' implementation performance. In particular, high rates of participation in voluntary organizations (logic of membership) and frequent access to national government (logic of influence) alone have no significant impact on state implementation performance (Model 1). Whereas frequent CSO consultation could improve government knowledge about gaps in implementation, the amount of consultation does not lead to better implementation. One possible

Table 1. Analysis of civil society strength and practical compliance with EU directives.

	Model 1	Model 2	Model 3	Model 4	Model 5
Civic participation	-0.030 [0.046]	-0.258*** [0.054]	-0.160 [0.123]	-0.445* [0.221]	-0.039 [0.613]
CSO consultation	0.011 [0.058]	-0.245** [0.083]	-0.068 [0.161]	-0.450+ [0.271]	0.011 [0.057]
Participation × consultation		0.125*** [0.033]	0.091 [0.063]	0.202** [0.071]	
Societal support	-0.642 [0.530]	-0.718 [0.518]	-1.861 [1.155]	-0.794 [0.628]	-0.655 [0.821]
Participation × social support					0.006 [0.403]
Legal compliance	1.335*** [0.354]	1.378*** [0.349]	1.180** [0.442]	1.368** [0.429]	1.335*** [0.349]
State capacity	0.222 [0.156]	0.222 [0.157]			0.223 [0.164]
Western state	-0.021 [0.171]	-0.006 [0.170]	-0.139 [0.191]	0.248 [0.251]	-0.022 [0.180]
Ministerial support	-0.047 [0.058]	-0.080 [0.062]	0.015 [0.100]	-0.101 [0.085]	-0.047 [0.056]
Number of ministers	-0.223*** [0.058]	-0.230*** [0.059]	-0.297*** [0.081]	-0.175* [0.082]	-0.223*** [0.059]
Policy discretion	3.578* [1.758]	3.495* [1.708]	3.424* [1.657]	2.968+ [1.674]	3.579* [1.799]
<i>Policy sectors</i>					
Internal Market	-1.587+ [0.896]	-1.570+ [0.893]	-2.409** [0.868]	-1.206 [1.050]	-1.587+ [0.897]
Justice & Home Affairs	-1.390+ [0.712]	-1.420* [0.706]	-1.494* [0.701]	-1.390+ [0.709]	-1.389* [0.695]
Social Policy	-1.300*** [0.316]	-1.417*** [0.312]	-2.532*** [0.427]	-1.104*** [0.295]	-1.300*** [0.315]
<i>Report characteristics</i>					
Rule-specific	-1.769** [0.670]	-1.768** [0.660]	-1.399* [0.577]	-1.960* [0.767]	-1.770** [0.676]
Evaluation period	-0.0002 [0.0002]	-0.0002 [0.0002]	-0.0004* [0.0002]	-0.0001 [0.0002]	-0.0002 [0.0002]
Number of pages	0.017 [0.031]	0.020 [0.031]	0.048+ [0.028]	0.008 [0.033]	0.017 [0.032]
Constant	3.638*** [1.069]	4.384*** [1.034]	6.110** [2.157]	5.248*** [1.241]	3.659* [1.608]
Observations	409	409	160	249	409

+ $p < 0.10$.* $p < 0.05$.** $p < 0.01$.*** $p < 0.001$.

Notes: Standard errors in brackets, clustered in Directives.

explanation is that CSOs could act as veto players in the implementation process (Jensen 2007).

However, high levels of civic participation coupled with frequent CSO involvement in government consultations increase the level of practical implementation of EU directives (Model 2). Our findings portray a complex relationship between civic participation and government consultation practices with CSOs. With regard to the main explanatory variables and their interactive effect, we cannot interpret these directly (see Brambor *et al.* 2006). Instead, Figure 2

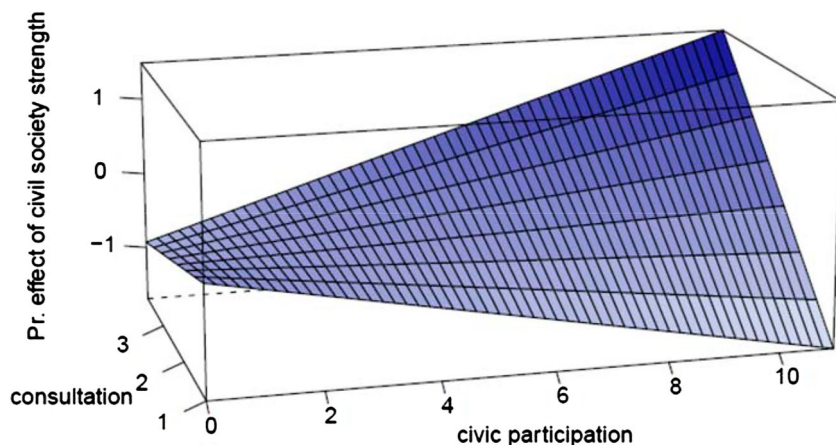


Figure 2. Predicted coefficients of CSO consultation and civic participation.

presents a three-dimensional illustration of the interactive relationship between civic participation and CSO consultation. When civic participation is limited, the predicted effect of CSO involvement in government consultations on practical implementation is negative. Thus, CSO consultation decreases the quality of practical implementation, in countries and issue areas with no civic participation. One possible explanation is that lack of civic participation may decrease CSO awareness about societal concerns and, hence, their ability to effectively convey potential implementation problems during the consultation process.

Similarly, we observe a significant negative effect of civic participation on practical implementation for scenarios where national governments never consult with the relevant CSOs (CSO consultation = 0). In instances where CSOs are excluded from government policy-making, higher civic participation obstructs the implementation process (as illustrated by the increasingly negative effect of civic participation). The predicted effect of civil society strength turns positive only when at least 5 per cent of Eurobarometer respondents indicated voluntary participation in any of the selected policy areas. Conversely, the significant positive interaction effect supports our theoretical argument that high civic participation coupled with frequent interactions with government improves member state's implementation performance with regard to EU directives.

Whereas we find general support for H1c, the impact of civil society is likely to vary across countries with different state capacities (H2) and EU societal preferences (H3). To test H2, we replicated the analysis for low- and high-capacity countries separately in Models 3 and 4 respectively. A state is considered to have high administrative capacities to implement public policy, if it scores higher than 0.90. While the threshold may appear arbitrary, the

choice ensures that both CEE and Western member states are represented in the two capacity categories.⁸

As expected, civil society strength does not have a significant effect on practical implementation in low-capacity states (Model 3). The picture is different for high-capacity countries (Model 4), where the impact of engaged citizens and routine CSO consultations strongly resembles the findings in Model 2 of Table 1. In short, the analysis suggests that differences in civic participation and CSO consultation significantly affect the implementation process in high-capacity countries only.

Finally, the observed negative impact of civic participation may be due to low societal support towards EU policies (H3). However, societal support does not significantly affect the relationship between civic participation and practical implementation (Model 5). Because societal preferences may be more relevant for some policy areas than others, we further explored the interaction between societal support and civic participation across different policy areas (see Figure 3). The analysis shows that the effect of civic participation on practical implementation is conditional on societal EU support only in Social Policy and Environment directives. Furthermore, whereas high EU policy-specific societal support strengthens the effect of civic participation on the practical implementation of EU Social Policy, high societal support seems to impede the effectiveness of civic action in Environment. However, the latter effect disappears if we control for national legislation in relation

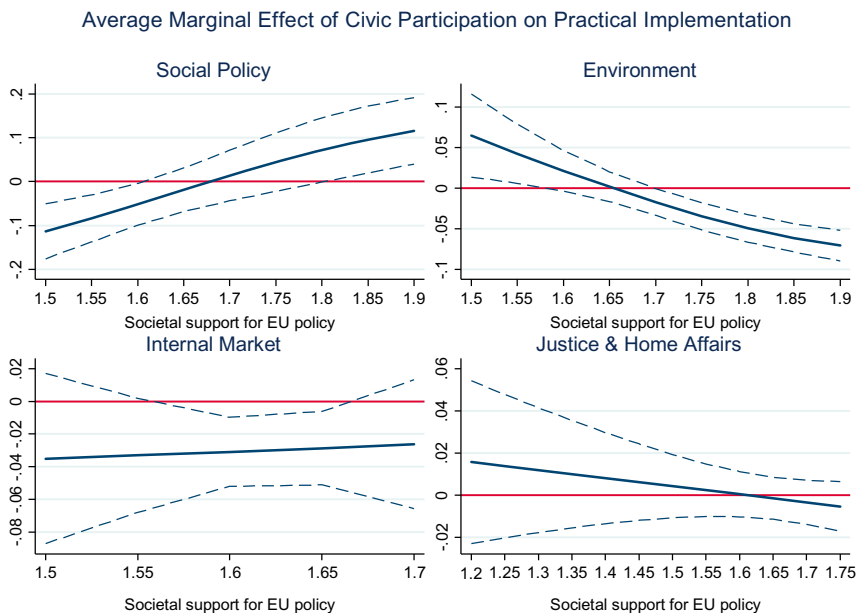


Figure 3. Predicted coefficients of CSO consultation and civic participation.

to EU environmental policy. One possible explanation concerns the nature of civic actions regarding Environment policies. Citizens often participate in environmental associations because they are dissatisfied with the way governments handle environmental problems. Environmentally engaged citizens also realize that problems related to curbing emissions or waste management require global policy and are consequently generally supportive of supranational directives.

In line with our expectations, civic participation has a positive effect on practical implementation when EU citizens are supportive of supranational policy concerning anti-discrimination and gender equality directives. EU social policy directives generally incur high adoption costs on governments (e.g. facilities for accommodating disabled persons at the work place) and require changes in long-standing employment structures. In such situations, high level of societal support coupled with strong civic participation exerts pressure on governments to incur the necessary costs for practical implementation. Instead, the limited effect of societal preferences on the implementation of Internal Market directives supports ideas that citizens have few opportunities to influence policies dominated by business interests. In the case of JHA policy, societal preferences carry little weight given the observed low levels of voluntary participation in international human rights organizations. As discussed earlier, human rights organizations depend on donors and supporters signing petitions to further their causes. Therefore, citizens' preferences may be much more relevant for other types of civic action than participation in voluntary organizations.

Conclusion

In this study, we analysed the link between two aspects of civil society strength (civic participation and CSO consultation) and EU policy implementation across different countries and policy areas. CSOs are expected to play an important role in the implementation process by monitoring implementation or mediating societal interests and policy-makers' goals. Whereas the conceptualization of CSO strength varies in different strands of literature (Foa and Ekiert 2017; Heinrich 2005), there are few attempts to systematically analyse the effects of different dimensions of CSO strength on policy outcomes. To fill this gap, we examined the interaction between civic engagement (logic of membership) and the degree to which governments consult with CSOs during policy-making (logic of influence). Both the capacity of CSOs to mobilize their members and their ability to influence policies through government consultation are expected to facilitate policy implementation. The analyses show that civic participation contributes to policy implementation when state actors frequently include CSOs in the policy-making process. Conversely, if CSOs are denied access to the policy-making process, civic participation

aggravates the implementation process. One possible explanation is that politically engaged citizens turn against the implementation of EU policies when they feel they have little influence over the adopted policies. Our findings also show that frequent consultations with CSOs improve practical implementation, if civic participation is high. There are different explanations for this finding. High levels of participation could increase CSO awareness of societal concerns and thus their ability to communicate potential implementation problems. Furthermore, governments are likely to be more responsive to the ideas of the relevant CSOs in countries and issue areas that attract high civic engagement.

This study also shed some light on the conditions under which the two dimensions of civil society strength affect implementation outcomes across different countries and policy areas. Thus, we find that civic participation and CSO consultation do not influence practical implementation in low-capacity countries. This finding suggests a paradox between the expected role and the actual impact of civil society on policy outcomes, as strong civil society does not influence policy implementation in situations where it is needed to counteract weak bureaucratic institutions (Foley and Edwards 1996).

Our findings also suggest that the impact of civic participation on policy implementation is conditioned on societal general support for EU policy in some issue areas. In particular, societal support for EU policy-making effectively mobilizes civic action in favour of policy implementation in Social Policy directives, but not in other policy areas. Because these findings could be partially due to the limited number of observations available for the analysis of separate policy areas, future research should focus on the interaction between policy area characteristics and societal actors. Related to that, we were not able to capture policy-area differences in government consultation practices with CSOs. Future research should try to distinguish between individual CSOs in terms of their relations with domestic policy-makers and how such relations affect policy outcomes. More in-depth qualitative work could also help better capture the quality of CSO consultations and the extent to which governments are willing to listen to the views of non-state actors. Moreover, we should acknowledge that civic participation and CSO consultation are not the only relevant aspects of civil society strength, but individual CSOs are often able to influence the implementation process through material resources and policy expertise. Unfortunately, information about individual CSO endowments is not available for a large number of countries and policy areas. Future research should try to shed more light on the interaction between various dimensions of civil society strength and policy outcomes.

Notes

1. This includes voluntary associations, interest groups, trade unions, social movements, NGOs and professional associations.

2. The dataset does not include information about Croatia. We excluded Luxembourg, Cyprus and Malta due to missing data on several independent variables.
3. Zhelyazkova *et al.* (2016) provide further information about the selection of policy areas.
4. Data was taken from Eurobarometer 62.2 (2004), 66.3 (2006) and 76.2 (2011), and merged with the same or closest years when practical implementation was recorded.
5. The variable combines information from the following Eurobarometer items and surveys: environment protection (1996–2010); immigration policy (1996–2010); competition policy (2005–2010); human rights protection (1999) and men/women equality (2009).
6. Considering a number of observations fall outside the range of observations in Environment, Internal Market and JHA, we employed robustness checks, which showed that the potential mild and extreme outliers did not significantly change the results.
7. We also employed a multilevel mixed-effect model to account for the nested structure of the data. Since only the directive-level random effects had a significant effect, we only cluster in directives. The supplementary appendix presents the models with standard errors clustered in member states.
8. Setting higher thresholds for government effectiveness resulted in models where state capacity was collinear with post-communist legacies. We should note that we replicated the analysis, using different thresholds for low and high capacity. The results remain essentially the same and are reported in the supplementary appendix.

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References

- Andonova, L.B. and Tuta, I.A. (2014) 'Transnational networks and paths to EU environmental compliance: evidence from new member states', *JCMS: Journal of Common Market Studies* 52(4): 775–93.

- Almond, G.A. and Verba, S. (1963) *The Civic Culture: Political Attitudes and Democracy in Five Countries*, Princeton: Princeton university.
- Bakker, R. et al. (2015) 'Measuring party positions in Europe: the chapel hill expert survey trend file, 1999–2010', *Party Politics* 21(1): 143–52.
- Bauer, J., Häge, F.M. and Schneider, V. (2004) 'Political and societal vetoplayers in regulatory reform: the transformation of telecommunications in OECD countries', Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, April 15–18.
- Börzel, T.A. (2010) 'Why you don't always get what you want: EU enlargement and civil society in Central and Eastern Europe', *Acta Politica* 45(1–2): 1–10.
- Börzel, T. and Buzogány, A. (2010) 'Governing EU accession in transition countries: the role of non-state actors', *Acta Politica* 45(1–2): 158–82.
- Brambor, T., Clark, W.R. and Golder, M. (2006) 'Understanding interaction models: improving empirical analyses', *Political Analysis* 14(1): 63–82.
- Coppedge, M. et al. (2017) V-Dem Codebook V7.
- Dai, X. (2005) 'Why comply? The domestic constituency Mechanism', *International Organization* 59(2): 363–98.
- Della Porta, D. (2009) 'Social movements and civil society', in P. Baert et al. (eds.), *Conflict, Citizenship and Civil Society*, Oxford/New York: Routledge, pp. 51.
- Dimitrova, A. and Buzogány, A. (2014) 'Post-accession policy-making in Bulgaria and Romania: can non-state actors use EU rules to promote better governance?', *JCMS: Journal of Common Market Studies* 52(1): 139–56.
- Foa, R. and Ekiert, G. (2017) 'The weakness of postcommunist civil society reassessed', *European Journal of Political Research* 56(2): 419–39.
- Foley, M. and Edwards, B. (1996) 'The paradox of civil society', *Journal of Democracy* 7 (3): 38–52.
- Hadenius, A. and Uggle, F. (1996) 'Making civil society work, promoting democratic development: what can states and donors do?', *World Development* 24(10): 1621–39.
- Heidbreder, E.G. (2012) 'Civil society participation in EU governance', *Living Reviews in European Governance* 7(2): 1–42.
- Heinrich, V. (2005) 'Studying civil society across the world: exploring the thorny issues of conceptualization and measurement', *Journal of Civil Society* 1(3): 211–28.
- Howard, M. (2003) *The Weakness of Civil Society in Post-Communist Europe*, Cambridge: Cambridge University Press.
- Jensen, C.B. (2007) 'Implementing Europe. A question of oversight', *European Union Politics* 8(4): 451–77.
- Kohler-Koch, B. and Buth, V. (2009) Civil society in EU governance: lobby groups like any other?.
- Kriesi, H., Koopmans, R., Duyvendak, J.W. and Giugni, M.G. (1992) 'New social movements and political opportunities in Western Europe', *European Journal of Political Research* 22(2): 219–44.
- Mahoney, C. and Baumgartner, F. (2008) 'Converging perspectives on interest group research in Europe and America', *West European Politics* 31(6): 1253–73.
- Petrova, T. and Tarrow, S. (2006) 'Transactional and participatory activism in the emerging European polity', *The Month* 1: 21.
- Putnam, R., Leonardi, R. and Nanetti, R. (1994) *Making Democracy Work: Civic Traditions in Modern Italy*, Princeton, NJ: Princeton university press.
- Rose-Ackerman, S. (2005) *From Elections to Democracy: Building Accountable Government in Hungary and Poland*, Cambridge: Cambridge University Press.

- Saurugger, S. (2006) 'The professionalisation of interest representation: a legitimacy problem for civil society in the EU', in S. Smismans (ed.), *Civil Society and Legitimate European Governance*, Cheltenham: Edward Elgar, pp. 260–77.
- Saurugger, S. (2007) 'Democratic "misfit"? Conceptions of civil society participation in France and the European Union', *Political Studies* 55(2): 384–404.
- Schmitter, P. and Streeck, W. (1999) The organization of business interests: studying the associative action of business in advanced industrial societies.
- Schofer, E. and Longhofer, W. (2011) 'The structural sources of association', *American Journal of Sociology* 117(2): 539–85.
- Sedelmeier, U. (2008) 'After conditionality: post-accession compliance with EU law in East Central Europe', *Journal of European Public Policy* 15(6): 806–25.
- Sissenich, B. (2010) 'Weak states, weak societies: Europe's east-west gap', *Acta Politica* 45(1-2): 11–40.
- Stark, D., Balazs, V. and Bruszt, L. (2006) 'Rooted transnational publics: integrating foreign ties and civic activism', *Theory and Society* 35(3): 323–49.
- Tallberg, J. (2002) 'Paths to compliance: enforcement, management, and the European Union', *International Organization* 56(3): 609–43.
- Tilly, C. (2004) *Contention and Democracy in Europe, 1650–2000*, Cambridge: Cambridge University Press.
- Treib, O., Bähr, H. and Falkner, G. (2007) 'Modes of governance: towards a conceptual clarification', *Journal of European Public Policy* 14(1): 1–20.
- Verba, S., Lehman Schlozman K. and Brady, H. (1995) *Voice and Equality: Civic Voluntarism in American Politics*, Cambridge, MA: Harvard University Press.
- Wollebæk, D. and Selle, P. (2007) 'Origins of social capital: socialization and institutionalization approaches compared', *Journal of Civil Society* 3(1): 1–24.
- Zhelyazkova, A., Kaya, C. and Schrama, R. (2016) 'Decoupling practical and legal compliance: analysis of member states' implementation of EU policy', *European Journal of Political Research* 55(4): 827–46.